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2 DEC 1980

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Authorized by: SC

Date: 6/24/13

Memorandum

To: Chief, Conservation Division

From: Deputy Division Chief--Onshore Minerals Regulation

Subject: Preparation of an Environmental Impact Statement (EIS) on the  
Anaconda Company's Jackpile-Paguete Uranium Mine Reclamation  
Plan

The South Central Region by memorandum of May 7, 1980, recommends that an EIS be prepared prior to the Geological Survey's (GS) final action on the proposed Jackpile-Paguete reclamation plan. I agree with the Manager's views and hereby recommend that you approve the preparation of an EIS on the subject plan.

The Jackpile complex is located on the Laguna Indian Reservation approximately 40 miles west of Albuquerque, New Mexico. The site was explored under a Mineral Prospecting Permit of October 18, 1951, and through the terms of the permit and subsequent lease modifications, the Jackpile is now covered by three surviving leases (Lease No. 1 dated November 28, 1962, Lease No. 4 dated July 24, 1963, and Lease No. 8 dated July 6, 1976) which cover approximately 7,000 acres.

The Jackpile has been in operation since 1953. During its operation, Anaconda has removed 356 million tons of material from 2 open pits and 5 underground mines, from which 22 million tons of ore have been produced. The project presently consists of approximately 1,000 acres of open pits, 2,000 acres of ore and waste piles, and 485 acres of reclaimed land in an area approximately 3 miles wide and 4 miles in length.

The GS has never approved a mine plan for the open pit operations. Regulations pertaining to surface exploration, mining, and reclamation of Indian lands, Title 25 CFR 177, were promulgated in 1969, but they were not applicable to leases issued prior to the effective date of such regulations. In 1976, the issuance of lease number 8 placed the projects under Title 25 CFR 177 and Title 30 CFR 231, which require the submission and approval of mine plans.



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Anaconda submitted a "Mining and Reclamation Plan" on February 25, 1977, and a draft environmental assessment was prepared. However, the Laguna Pueblo and the Bureau of Indian Affairs (BIA) would not concur in the approval of the plan. A revised plan was submitted on March 29, 1979. In April 1980, Anaconda advised GS that its open pit operations would be terminated in February 1981, which is 4 years earlier than originally anticipated.

The GS determined that the previously submitted mining and reclamation plans were obsolete due to (1) changes in the mining plan and (2) additional environmental concerns. Anaconda agreed to submit an updated comprehensive plan. The GS, upon the request of the Tribe, assumed the lead in working with Anaconda, the Pueblo of Laguna, and the BIA to formulate requirements for this comprehensive and detailed reclamation plan.

The Conservation Manager, South Central Region, by memorandum of June 13, 1980, in response to a request by Reston Headquarters, advised that comprehensive radiological air quality and groundwater studies were needed for the proper evaluation of Anaconda's reclamation plan and for the development of those measures necessary to insure that the potential for the release of dangerous levels of radioactive elements to the atmosphere and into the surface and subsurface waters of the area is appropriately mitigated.

The Laguna Tribal Council has not passed a recommendation on EIS preparation. The GS, per request, on July 8, 1980, briefed the Council concerning the purpose and various time elements of the EIS process as the Council wished to resolve its position. Mr. John Blueyes, Council of Energy Resource Tribes Reclamation Specialist, has strongly recommended that the Council pass a resolution in favor of an EIS. The Council decided to forego a formal recommendation until after a meeting scheduled with Anaconda on July 10. Subsequently, the issue has been presented at Council meetings (the most recent being October 21, 1980) but the Tribal Council is still reluctant to pass a formal resolution.

On September 11, 1980, Anaconda filed with the Manager a three volume "Reclamation Plan, Jackpile-Paguate Uranium Mine." In the plan, Anaconda states that it will discontinue surface mining at the Jackpile in February of 1981. The two existing underground mines which are operating under approved plans will continue in production. Two additional small underground mines have also been proposed and GS approval is awaiting BIA and Tribal concurrence. Stockpiled ore from the open pit operation will be transported from the Jackpile for an additional 2 years.

An initial technical review was made of the reclamation plan by the GS and, after coordinating with the BIA, the Tribe, and consultants to the Tribe, a listing of 79 questions and concerns were posed to Anaconda for response. A written response from Anaconda is due to the GS no later than December 1, 1980.

An EIS is required because of the precedent involved and the inherent dangers to public health and safety if the reclamation is improperly done. Moreover, a failure to prepare an EIS could be viewed as a violation of CEQ's regulations in this respect (see 40 CFR 1508.27 (b)(2), (6), and (10)).

The following seven items are the principal areas of concern which must be addressed by the EIS:

1. Radiological contamination of the atmosphere and surface and sub-surface waters;
2. Stabilization of the waste pile slopes;
3. Amount of backfilling in the open pits;
4. Future recovery of the site's protore and remaining reserves;
5. Sloping of the highwalls for long-term stability;
6. Definition of radiological cleanup standards; and
7. Physical land reform.

The total cost of the EIS is estimated to be \$350,000. This is approximately \$50,000 higher than most EIS's and is due to the complexity of this project. The fiscal year 1981 budget contains \$240,000 for this project. The EIS would take approximately 18 months to complete.

The GS would be the lead agency but could request that the BIA be a Joint Lead on an equal cost-sharing basis. The Environmental Protection Agency, Public Health Service, and other Agencies may also be invited to participate.

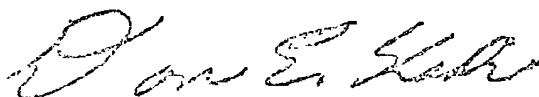
It is imperative that the GS make a decision concerning whether an EIS is necessary for the Jackpile. A presentation for making a decision has been assembled for our scheduled meeting for 9:00 a.m., December 1. A listing of relevant documents is enclosed to aid you in reviewing or directing questions to particular informational items.

The assembled data clearly shows that approval by the GS of the reclamation plan for the Jackpile would constitute a major Federal action. An EIS appears to be the best vehicle to ensure that the Laguna Indian lessors will be able to utilize the reclaimed area for grazing and that this and future generations will be able to live in this area without danger.

9/s  
John J. Dragone

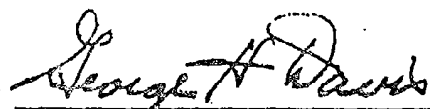
Enclosures

I determine that approval of the proposed project would constitute a major Federal action significantly affecting the quality of the human environment in the sense of NEPA, section 102(2)(C). Therefore, I determine that the preparation of an environmental impact statement is required. The Geological Survey should take the lead in its preparation.



Chief, Conservation Division

I concur



Assistant Director for  
Resource Programs

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